

R E M A R K S

Claims 1-27, invention I, are elected, with traverse; however, note the extensive changes herein, whereby withdrawal of the restriction required is respectfully solicited. All claims appear readable on invention I figures.

Applicant wishes to thank Examiner for her courtesy in granting the recent interview, at which time the language of new claim 43 was discussed, as referred to in the Interview Summary indicating Agreement was reached.

Claim 43 language emphasizes the following, urged at length at the interview (in Serial No.10/393,697 and also this case) as highly advantageous, for use and safety reasons, and as novel and unobvious in the totality of claim 43.

d) said retainer including a holder that is applied in a retaining position proximate a local portion of the receptacle, to effect retention of the receptacle to the striker during said practice swinging, substantially the entirety of said holder located between the handle and said weighting structure whereby pulling forces exerted via the weighting structure and via the receptacle

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are well distributed to said holder via the receptacle, during said practice swinging,
e) said retainer having coating, and located at the side of fabric, that receives loading transmitted by said weighting structure, said coating consisting of one of the following:

iii) rubber,

iv) foam.

Base claims 1, 35, 38 and 42 are similarly amended.

The reference Hart 5,980,397 cited in S.N.10/393,697 is urged not to be suggestive of claim 1. In Hart, the weights at 17 are adjacent to anti-slip middle fabric 6, and to straps 12 and 19 so that pulling forces exerted by the weights 17, for example, in an upward direction in Figure 3, are not distributed to upper end straps 9, or well distributed to those straps.

Thus, in Hart the substantial entirety of the retention straps are not located between the bat handle and the weight or weights, because the example straps 9 are not located between weights 12 and the handle, but are rather

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located at the opposite side of those weights (the ball striking side).

Remaining art appears even less pertinent.

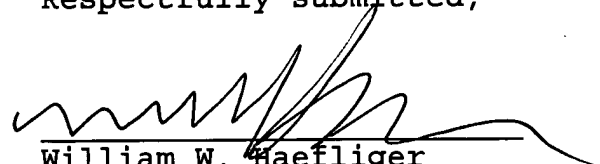
The remaining dependent claims are believed and urged to be patentable in the environment of claim 1.

In view of the above, argument and the Interview Summary, allowance is believed justified, and is respectfully solicited.

A check in the amount of \$125 is enclosed to cover added independent claim 43.

Kindly charge any additional fee to Account No. 08-0118.

Respectfully submitted,



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